

ORDINANCE NO.

1-23

FILED

DEC 15 2022

Belinda Munson  
MUNCIE CITY CLERK

**BEING AN ORDINANCE OF APPROVAL TO AMEND THE TEXT OF  
THE CITY OF MUNCIE COMPREHENSIVE ZONING ORDINANCE  
REGARDING FENCING MATERIALS.**

**WHEREAS**, the State enabling act for planning and zoning empowers the City Council of Muncie, Indiana and the Board of Commissioners of Delaware County, Indiana to adopt a Comprehensive Zoning Ordinance and also provides for amendments to said ordinances as deemed necessary from time to time; and

**WHEREAS**, the State enabling act also provides for amendments to the Comprehensive Zoning Ordinances to further promote the health, safety and general welfare; and

**WHEREAS**, the current provisions require updating or clarification; and

**WHEREAS**, the Delaware-Muncie Metropolitan Plan Commission has given legal notice of a public hearing and, after consideration of the proposed amendments during the hearing, hereby forwards a favorable recommendation (5-0, 4 absent) regarding said amendment to the City Council of Muncie, Indiana, as required by law; and

**WHEREAS**, the Common Council has given reasonable regard to the Comprehensive Plan, current conditions and the character of current structures and uses in each district; the most desirable use for which land in each district is adapted; the conservation of property values throughout the jurisdiction; and responsible growth and development.

**NOW, THEREFORE, BE IT RESOLVED** by the Common Council of the City of Muncie that the text of the City of Muncie Comprehensive Zoning Ordinance shall be amended, changed and supplemented as follows:

**Section 1.** Article IX GENERAL PROVISIONS, Section 12 FENCES: WALLS: HEDGES shall be amended by inserting after the first paragraph two new paragraphs that read as follows:

All fences shall be constructed of materials customarily used as common fence materials. Plywood, broken board, wood pallets, chicken wire, scrap lumber, discarded construction materials, sheet metal, wire mess, tarps, cloth, canvas and other similar materials are prohibited in all zoning districts. The finished side of the fence shall face out toward adjacent property and public rights-of-way. It is the responsibility of the property owner to ensure proper maintenance of a fence.

It is also the property owner's responsibility to locate their property lines either by pins available in the yard or by having a land surveyor located and stake said property lines prior to construction of the fence. It is not the responsibility or authority of the City of Muncie Building Commissioner or the Delaware-Muncie Metropolitan Plan Commission to determine or verify property lines.

Whenever any existing nonconforming fence shall become damaged, by any means, so as to cause a need to replace more than fifty percent (50%) of the fence, said fence shall be repaired or reinstalled in compliance with the provisions of this Section.

**Section 2.** That this Ordinance shall be in full force and effect from and after its adoption and such publication as required by law.

	YEAS	NAYS	ABSTAINED	ABSENT
Aaron Clark				
Jerry Dishman				
Brandon Garrett				
Jeff Green				
Troy Ingram				
Roger Overbey				
Jeff Robinson				
Rosa Selvey				
Rep for District #4				

Passed by the Common Council of the City of Muncie, Indiana this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
President of the Common Council of the  
City of Muncie, Indiana

Presented by me to the Mayor for his approval this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Belinda Munson, City Clerk of the  
City of Muncie, Indiana

The above ordinance approved (vetoed) by me this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Dan Ridenour, Mayor of the  
City of Muncie, Indiana

ATTEST:

\_\_\_\_\_  
Belinda Munson, City Clerk of the  
City of Muncie, Indiana

This ordinance is proposed by: \_\_\_\_\_

\_\_\_\_\_  
City Council Member

This ordinance is approved in form by: \_\_\_\_\_

\_\_\_\_\_  
Corporate Counsel

**REPORT TO THE COMMON COUNCIL OF  
THE CITY OF MUNCIE, INDIANA**

December 13th, 2022

**To the Honorable:**

Common Council of the City of Muncie, Indiana

**Dear Council Members:**

The Delaware-Muncie Metropolitan Plan Commission hereby submits to you the following report on AN ORDINANCE TO AMEND THE TEXT OF THE CITY OF MUNCIE COMPREHENSIVE ZONING ORDINANCE REGARDING FENCING MATERIALS.

**WHEREAS**, the Delaware-Muncie Metropolitan Plan Commission is charged, by state statute, with the preparation of amendments to the zoning ordinance in order to maintain a viable updated ordinance dealing with planning and zoning and said Commission has reviewed, revised and adapted certain standards for the City of Muncie, Indiana.


**WHEREAS**, the said Plan Commission initiated a public hearing and, following discussion and the public hearing, a motion was made, seconded and approved to forward a favorable recommendation for the proposed amendment as attached with revisions.

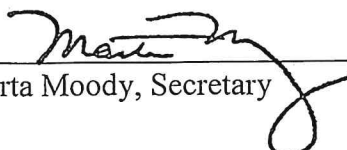
**WHEREAS**, the said Plan Commission has given reasonable regard to the comprehensive plan, current conditions and the character of current structures and uses in each district, the most desirable use for which the land in each district is adapted, the conservation of property values throughout in the jurisdiction and responsible growth and development.

**NOW, THEREFORE**, the Delaware-Muncie Metropolitan Plan Commission hereby **FAVORABLY RECOMMENDS** (5-0; 4 absent) the proposed amendment to the City of Muncie Comprehensive Zoning Ordinance regarding fencing materials as more accurately set forth in the attached Ordinance to Amend.

**DELAWARE-MUNCIE METROPOLITAN  
PLAN COMMISSION**

**BY:**

  
\_\_\_\_\_  
Allen Wiseley, President

  
\_\_\_\_\_  
Marta Moody, Secretary